

REMARKS

Enclosed is a Supplemental Declaration from one of the inventors that describes the long-felt need created by the drawbacks associated with known structures, such as shown in the Arthurs reference described in the Declaration filed August 7, 2006 (see Supplemental Declaration Paragraphs 1, 2, & 3) and the unexpected results achieved by the claimed invention (see Paragraph 5). The Supplemental Declaration also attests to the teachings of the Arthurs and Michaels references (see Paragraph 4). The Supplemental Declaration further attests to the copying of competitors in the market place (see Paragraph 6). Such Supplemental Declaration fully rebuts the Examiner's position on obviousness.

The Examiner stated that the Declaration filed August 7, 2006 was insufficient to overcome the rejection of the claims because there was no showing that others of ordinary skill in the art were working on the problems and if so, for how long. The Supplemental Declaration states that (1) " (t)he companies that I have worked for, and the competitors of the companies that I have worked for, were working on solving the need to reduce the overall weight of vehicles when I entered into the vehicle manufacturing industry in 1993," (2) " (t)he companies that I have worked for, and the competitors of the companies that I have worked for, were working on solving the need to reduce the amounts of glass fibers used in vehicular components at least as early as 1993," and (3) "(t)he companies that I have worked for, and the competitors of the companies that I have worked for, were working on solving the need to recycle automotive parts as early as 1993. " These statements are uncontroverted evidence that others of ordinary skill in the art were working on the problem and if so, for how long.

The Examiner also asserted that there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. The Supplemental Declaration addresses this assertion at Paragraph 3.

The Supplemental Declaration states that "(t)here is no teaching in the Michael reference to suggest that the use of carbon fibers or basalt fibers enhances lamination

strength as suggested by the Examiner," and "the Michael reference does not teach that basalt fibers are superior to glass fibers in their behavior during recycling by incineration and their ability to be reclaimed and reused after the incineration of the laminate product." Additionally, the Supplemental Declaration states that "(b)ecause of the teachings of the Michael reference, I believe that there is no motivation to employ carbon fibers or basalt fibers rather than glass fibers in the laminate of the Arthurs reference." Thus, the Supplemental Declaration states that there is no motivation for the combination proposed by the Examiner and the statements of the Supplemental Declaration further suggest that the Michael reference teaches away from the combination proposed by the Examiner as discussed above.

In the prior Office Action, the Examiner asserted that the Arthurs reference teaches the claimed invention except for the teaching that a reinforcement layer comprising carbon fibers is provided adjacent to the polyurethane foam layer. The Examiner further asserted that it would have been obvious to one having ordinary skill in the art to have used the carbon fibers and binder of the Michael reference in the laminate of the Arthurs reference motivated by the desire to create a laminate having enhanced lamination strength.

The Arthurs reference teaches the use of a grafted polyethylene or grafted polypropylene adhesive to provide the desired strength in a headliner. The Michael reference ('989) teaches that a variety of fibers and mixtures thereof may be used in a headliner. There is no teaching contained in either of the references that supports the combination proposed by the Examiner.

The express teachings of the references teach away from the combination proposed by the Examiner, because the combination of the references is just as likely to produce a variety of other composite combinations besides the claimed invention. A proper combination of the teachings of the Arthurs reference with the Michael ('989) reference would result in the fiberglass and adhesive of the Arthurs reference applied to the door skin of the Michael reference ('989). Further, the teachings of the Arthurs reference cannot be properly combined with the teachings of the Michael reference ('989), because there is no motivation for making such a combination in

either reference.

Only the use of improper hindsight reasoning or an improper "obvious to try" rationale would result in the combination proposed by the Examiner. The Examiner has varied all of the parameters of the laminates of the Arthurs reference and Michael reference to produce the laminate of the claimed invention. The Arthurs reference and the Michael reference give no indication as to which parameters of the laminates are critical. See MPEP 2145(X)(B).

Further, a prior art reference must be considered in its entirety including portions that would lead away from the claimed invention. See MPEP 2141.03 citing W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Because of the totality of the teachings of the Arthurs et al. and Michael references, there is no motivation to employ carbon fibers in the laminate of the Arthurs reference. The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art, and all teachings in the prior art must be considered to the extent that they are analogous arts. Where the teachings of two or more references conflict, the Examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another. See MPEP 2143.01, citing In re Young, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991). One would not be motivated to combine the carbon fibers of the Michael reference with the laminate the Arthurs reference to create a laminate having enhanced strength because of the express teachings in the Arthurs reference that the use of a grafted polyethylene or grafted polypropylene adhesive to provide the desired strength in a headliner. Therefore, it is improper to combine the Arthurs reference and the Michael reference because the references teach away from the combination proposed by the Examiner. Further, the Arthurs reference and the Michael reference do not provide any motivation to employ the carbon fiber and binder of the Michael reference and the core of the Arthurs reference to produce a laminate as proposed by the Examiner.

For the reasons set forth above and in the enclosed Supplemental Declaration and the previously filed Declaration, the proposed combination of references must fail.

Accordingly, the claimed invention is clearly patentable over the art of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Staci E. Schweikert', written over a horizontal line.

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